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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 001498

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [IZ](#)
SUBJECT: IRAQI POLITICIANS PASS THE BUCK AS SECURITY
AGREEMENT REFERENDUM LAW PROGRESSES

REF: A. BAGHDAD 1158
[1](#)B. BAGHDAD 1481

Classified By: Acting Political Counselor John Fox for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary/Comment: The Council of Representatives' (CoR) Legal Committee is working on a law to conduct a July referendum on the U.S.-Iraq Security Agreement (SA), as required by the 2008 SA approval law. Although key politicians and groups (e.g., the PM, CoR Speaker, Kurds, mainstream Sunnis) all except the Sadrists, to whom we have little access in Baghdad) claim to oppose a referendum, none wants to be seen opposing one. The opinion is growing that a referendum will take place. Some politicians are playing a double, or at least ambiguous, game. CoR Speaker Ayad al-Samarraie told us privately that he does not support the referendum, but said publicly that the law will pass this month and the referendum take place on time. He has requested technical assistance to prepare for the referendum (which we will not provide). UNAMI now tells us that a referendum can be held without delaying national elections. Iraq-Kuwait tensions have also become entwined in the referendum debate. To block or delay a referendum while avoiding the counter-productive impression that we are lobbying against it, Embassy is focusing intensely on senior leaders, urging delay or cancellation, while taking a quieter approach at lower levels. In public, we stress our full commitment to the SA and all its terms. End Summary/Comment.

Referendum Required by SA Approval Law

[1](#)3. (C) The SA Approval law requires that the SA be put to a public referendum by July 30, 2009. The PM's office has directed the Iraqi Higher Election Commission (IHEC) to take steps to implement the referendum; IHEC has asked the CoR for a law and budget. A draft referendum law from the CoR's Legal Committee would ask voters whether they "agree" with the SA. It would be approved if more than half of Iraqi voters participate and more than half of Iraqi voters (not participants) vote yes.

Prime Minister opposes; wants others to block

[1](#)4. (C) PM advisor Sadiq Rikabi told us June 4 that the PM met June 3 with political bloc leaders to discourage the referendum, but that the PM could not publicly oppose one. Rikabi said Parliament must pass a law to nullify the requirement; he urged us to press the Speaker for such a law, stressing that "this was IIP's idea." Dawa CoR leader and Maliki confidant Sami al-Askari told us that only the Sadrists and some Sunni nationalists want a referendum, but that all MPs fear being accused of blocking one. He said the referendum would take place in July, but that he thought it would pass. Nevertheless, Askari suggested that either IHEC should say a referendum was not feasible, or that we push the Speaker to ensure a law does not pass. (Comment: Rikabi's and Askari's comments are typical, in that those who claim to

oppose a referendum want somebody else) IHEC, the CoR) to block it. End comment).

UNAMI: Referendum will not Disrupt National Election

¶5. (C) UNAMI officials told us June 3 that IHEC can administer a referendum on July 25 (with the Kurdish elections), and that it would not necessarily delay national elections. (Comment: UNAMI may be assuming that USAID-funded International Foundation for Electoral Systems (IFES) will provide assistance. However, we have instructed all U.S.-funded implementers not to provide assistance for an Qall U.S.-funded implementers not to provide assistance for an SA referendum. End Comment.) SRS De Mistura has agreed to explore the possibility of UNAMI's stating publicly that a July referendum would not meet international standards.

Kurds offer Support

¶6. (C) President Talabani told General Odierno that the Kurds would help block a referendum. We will work quietly with the Kurdish leadership on this. The Kurds, however, are distracted by their own parliamentary elections, set for July ¶25.

Tawafuq cagey, Speaker Samarraie hedges

¶7. (C) On June 4, CoR Legal Committee Deputy Chairman Salim Jibouri (Tawafuq/Sunni) told us his bloc does not want a referendum. He did not, however, say that Tawafuq would

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oppose one. Jibouri said some MPs are considering holding the referendum with national elections in January.

¶8. (C) On June 4, CoR Speaker Ayad al-Samarraie (septel) told the Ambassador he believed a referendum was unnecessary, and would try to be helpful. On June 7, Samarraie told Poloff he would "see what he could do" to stop or delay the referendum. The same day, however, Samarraie was quoted in Al-Sabah newspaper as saying the referendum law would pass this month, and that the vote would take place as scheduled. According to USAID, Samarraie invited IFES to lunch on June 5 to persuade it to provide assistance for the referendum.

Connection to Iraq-Kuwait tensions

¶9. (C) Iraq-Kuwait tensions surrounding the lifting of UN Chapter VII restrictions on Iraq have given further momentum to the referendum among some parliamentarians. They claim that the U.S. has not lived up to its commitments under Article 25 of the SA to help lift Chapter VII (ref B). UIA Shi'a MP Jabir Habib Jabir said on June 3 that Kuwaiti efforts to keep Iraq under Chapter VII sanction could convince people not to vote for the SA.

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